

SUIT AGAINST LUMBER TRUST.

CALLED UNREASONABLE UNDER
STANDARD OIL RULING.

Eastern States Retail Lumber Dealers
Association the Chief Defendant
—Blacklisting of Those Who Tried to
Sell Direct to Consumer Alleged.

Interstate commerce unreasonably restrained and competition unreasonably prevented are the two most prominent bases of the suit which the Government filed yesterday against a number of associations and individuals engaged in the traffic in lumber. Ten trade organizations and upward of 150 individuals are named in this action. It is charged that by a system of blacklisting private persons and corporations have been kept from having direct relations with the wholesalers, and that by unlawful agreement all competition for trade has been thrown into the hands of the defendants to the exclusion of contractors, builders, manufacturers of finished lumber and the consumer.

Under the head of "conspiracy" the complaint sets forth that the defendants of some time past have been and now are engaged in an unlawful conspiracy, unduly, unreasonably, and directly to restrain the hereinafter described trade and commerce among and between the several States and Territories of the United States in lumber and lumber products, in violation of the Act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies." And later, that "in participating in the various acts, agreements and combinations in pursuance of said conspiracy as hereinafter described, all of the defendants have been actuated by wrongful intent, directly, substantially, unduly, and unreasonably to restrain said interstate trade in lumber and lumber products."

The defendants are the Eastern States Retail Lumber Dealers' Association, a corporation of this State, and its officers, Richard S. White, president; William C. McBride, vice-president and director; Louis A. Mansfield, secretary and treasurer, and its directors and members; The New York Lumber Trade Association, also of this State; the Building Material Men's Association of Westchester County, the Lumber Dealers' Association of Connecticut; the Massachusetts Retail Lumber Dealers' Association, the Lumber Dealers' Association of Rhode Island and the Retail Lumbermen's Association of Baltimore.

Officers, directors, trustees and members of these corporations are included among the defendants as well as the officials and members of these three voluntary organizations. The New Jersey Lumbermen's Protective Association, the Retail Lumbermen's Association of Philadelphia and the Lumber Exchange of the District of Columbia.

The prayer asks that the defendants be adjudged to have been engaged in a conspiracy in violation of the Sherman act and that they be enjoined from carrying out such conspiracy.

It has been said that as an outcome of this suit, should the Government succeed in its claims, might be that the principle of keeping the consumer apart from the producers by means of one or two middlemen will be attacked in other industries as well.

The action is brought under the direction of Attorney-General Wickham by United States District Attorney Wise in the Circuit Court of this district. The Attorney-General has been working with Clark McKercher, his special assistant, for about a year. One of the exhibits begins: "We are in favor of high prices and fixed high prices."

The retail dealer who dipped into the wholesale trade was variously referred to as a poacher, a scalper, a maverick and an illegitimate dealer.

The Government contention is that by written and verbal agreements and by separate meetings and conventions in which constitutions were adopted and purposes declared the defendants "artificially fixed, established and maintained arbitrary divisions and classifications of the lumber trade," which was an unreasonable restraint of interstate commerce and an unreasonable prevention of competition.

"The result of such illegal methods," says the complaint, "is to close the door of the wholesale dealer and manufacturer to all parts of the United States to the consumer, and to deprive the manufacturer and wholesaler of the trade of the consumer who lives in the territory covered by the associations named, except by means of a retail yard operated by members of the associations. The complaint also says that for the last twelve years blacklists and articles in trade papers have been published which have established arbitrary rules for the trade and business of buying, selling and shipping lumber from one State to another, that violations by manufacturers, wholesalers and retail dealers have been discussed and action taken to control such trade along the lines of unreasonable restraint."

In these discussions, it is held, and in correspondence the material is gathered for forming the black lists.

Each defendant retail dealer association, the complaint continues, "agreed through their said authorized officers, directors and trustees to exchange information one with the other" and "to publish the same by means of a printed circular and by other correspondence with members." And a little later: "At a regular annual meeting of the Eastern States Retail Lumber Dealers' Association, held in Philadelphia, Pa., in 1909, it was resolved, among other things, that members found guilty of 'dumping' would be expelled, and it was decided to publish and issue a circular to the members."

JEWELS IN HIS HIP POCKET

SEÑOR MARTINEZ WAS BRING-
ING IN \$3,000 WORTH.

Intended as a Gift for a Woman—Was
Planning to Take Them to Mexico and
Didn't Think He Needed to Declare
Them—Income \$185,000 a Month.

Francisco Peraza Martinez, a natty dressed young Mexican who arrived yesterday by the Cunarder Mauretania and who declares that he is the chief owner of a gold mine at San José de Gracia, in the State of Sinaloa, that yields him an income of \$185,000 a month, got into trouble with the customs men just after landing. He brought nine pieces of baggage and there was nothing dutiable in any of it. He declared nothing.

Plain clothes man Tim Donahue became interested in the young Mexican with nothing dutiable, according to his declaration, and hovered around him. Finally Tim asked Señor Martinez what he had in his right hip pocket. Something protruded therefrom. The Señor promptly hauled out the bulging object, remarking that it was a jewel case. Tim opened it and revealed a dazzling lot of diamonds, pearls and other gems.

The case was taken to the deputy surveyor in charge of the ship, and he decided to send the Señor down to the Custom House to Surveyor Henry. The Surveyor and his assistant, Special Deputy Surveyor George Smyth, put the Señor through a rigid examination and then seized the jewels, consisting of a gold vanity case set with rubies, a flat pearl necklace with diamond pendant, a ring set with two diamonds and one pearl and one ring set with an amethyst mounted in diamonds. It was estimated that the American value of the jewelry is not less than \$3,000.

The Señor declared that he was unfamiliar with the regulations of the Government or he would have declared the jewelry. He was asked if he had not come here by the steamship Deutschland in September, 1909, and he said he had. This was intended to convey to the Señor that as a traveler he should know something about Uncle Sam's methods. The Señor insisted that his intent was not to smuggle. He said he had bought the jewelry in Paris for a lady friend whose name he did not care to reveal.

Inspector Donahue was sent up to the United States Attorney's office in the Federal Building with the Señor, who was not under arrest. The inspector told his case to an assistant of Mr. Wise. The Señor was questioned again and this time said it was not alone his unfamiliarity with the customs regulations that caused him to not declare the jewelry, but that he was going through to Mexico and that he expected to pay duty there. He was told that he might have put the jewelry in bond. Mr. Wise's office seemed to take stock in the sincerity of the Señor's plea. The feeling at the Custom House was otherwise. The Señor had said that he did not expect to go to Mexico until after the revolution was over and they wondered why he had thought of putting the jewelry in bond in the long period he may be here.

Mr. Wise's office finally decided that there was no ground for prosecuting the Señor as a smuggler and he went to his rooms at the Waldorf. It may be that the Señor will be able to get his friend's gifts from the seizure room by paying their home value, which is their foreign value, plus the duty. This will mean that the Señor will pay practically twice for the jewelry, but this will not come hard to a man who has an income of \$185,000 a month.

Hammond May Go.
Court Allows Him to Leave on His Mission to the
Coronation of George V.

WASHINGTON, May 19.—John Hays Hammond, who is being sued here by Daniel Sully, the former cotton king, for participating in an alleged conspiracy to damage Sully's reputation as a cotton expert, can leave whenever he pleases on his mission as special representative of the United States at the coronation of George V.

Mr. Sully is suing Mr. Hammond and others for \$1,500,000 and Mr. Hammond has been testifying before a special examiner for several weeks. A few days ago the mining engineer charged that Sully and his attorneys intended to prevent him from leaving the country on the mission to which he has been appointed. Sully and his attorneys got a subpoena for Mr. Hammond to appear and continue his testimony, and this, Hammond charged, would keep him in this country indefinitely.

Hammond ignored the subpoena and Sully's attorneys applied to the court on Wednesday for a writ of attachment. Hammond asked for a postponement of the hearings until next fall and Justice Barnard of the District Supreme Court today granted his request. The court also declined to issue a writ of attachment for Hammond, saying that there was some doubt as to the validity of the subpoena.

In granting Mr. Hammond's petition Justice Barnard said: "It is important that the Administration be not interfered with by the court in sending its representative to London. The court would respect the President's wishes in the matter, even if it did not have to refrain from interfering with the administrative branch of the Government."

QUIETUS ON MOTOR BOATS.
One Man Fined \$50 for Going Noisily Past
Hospitals.

Commissioner Lederle of the Health Department has started a campaign against noisy motor boats. A section of the sanitary code requires that all such boats on the waters of the city of New York shall be equipped with a muffler or some other device to do away with the noise of the exhaust.

The first case of the season was that of Fred Funke of 414 East 120th street, who was arraigned before Magistrate Herbert in the Harlem court yesterday. Funke said he knew nothing of the section in the sanitary code under which he was arrested. It was brought out that he was a member of the Harlem River Yacht Club and that the members of that organization had been notified of the ordinance. He was fined \$5.

Complaints of noisy motor boats have been received from the Children's Hospital and from the State Hospital for the Insane, both of which are near 120th street and the Harlem River, where Funke was arrested.

PRAYERBOOK FROM MERIDA.
Found on Her Life Raft by a Steamship
From Cuba.

The Norwegian freight steamship Times, from Cuba, brought in yesterday from the wreck of the Ward liner Merida, which foundered last week in collision off the Virginia Capes with the steamship Admiral Farragut. The chief life salvaged by the Times is a large life raft in excellent condition. On the raft, only slightly moist, was what the skipper describes as a gold edged Latin prayerbook, inside of which on a left upper corner of the cover were the initials M. T. in gilt. The skipper noted in the mass of wreckage he passed the top of the Merida's skylight, several lifeboats, an ice chest and a lot of life belts.

BANK CLERKS WIN.
A Few of the Things They Struck For on
the East Side.

The strike of East Side bank clerks, which began four months ago, for a fifty-two hour working week, a 15 per cent increase in wages, recognition of a union which the bank clerks had formed and several other demands, was ended yesterday.

REFUSED THE ICE CREAM.

LORIMER TO BE TRIED AGAIN

SENATE STEERING COMMITTEE
DECIDES TO REOPEN CASE.

WASHINGTON, May 19.—The action of the Illinois State Senate in adopting a resolution requesting that the United States Senate reopen the Lorimer case means that the junior Senator from Illinois must for a second time submit to the scrutiny of his colleagues the methods of his election by the State Legislature. Senators were practically unanimous in admitting to-day that the action of the Illinois Senate makes imperative the reopening of the Lorimer case.

The Democratic steering committee of the Senate had a meeting to-day and decided unanimously to stand for a reopening of the case. The steering committee did not take any action in regard to the investigation. The fact that three members of the steering committee voted to clear Lorimer in the previous investigation is an indication of the drift of sentiment in the Senate. These three were Fletcher of Florida, Simmons of Kentucky and Bankhead of Alabama.

Senator Bailey, who was one of the strongest defenders of Senator Lorimer when his title to his seat was questioned in the last Congress, said to-day that there could now be no objection to the reopening of this case.

When Senator La Follette calls up on Monday his resolution providing for a special committee to investigate the charges growing out of the election of Senator Lorimer, there will be a motion to amend the resolution so as to provide that the investigation be conducted by the Senate Committee on Privileges and Elections. While Senator La Follette will oppose this amendment it is contended that a large majority of Senators will vote for it.

Some of the older Senators who voted to unseat Senator Lorimer say that it would be a needless affront to the members of the Privileges and Elections Committee to place the investigation in the hands of a committee selected by Senator La Follette.

HOLDUP NEAR BROADWAY.
Three Men Tackled One Downtown Last
Night—Caught Near City Hall.

Three men held up William E. Lacey, a real estate man, in Park place, a few feet off Broadway, at 10 o'clock last night and robbed him of \$40. Lacey lives at 128 St. Felix street, Brooklyn.

None of the three was armed. Two of them grabbed Lacey and pulled him into the shadow of the Broadway Savings Bank at 5 Park place while the third went through his pockets and extracted the money. Lacey shouted for help and attracted the attention of Policemen Ferighi and Conner, who came from opposite directions and chased three men to the corner of Frankfort and Nassau streets, where they caught them.

The prisoners said when they were locked up that they were Frank Robertson, 36 years old, with no home; William Ducker, 47 years old, of 184 Park row, and Frank McGuire, 30 years old, of 72 Bowery. Lacey identified Robertson as the man who went through his pockets. The police found \$7 in Robertson's hand and \$10 more in his pockets. They believe that he threw the rest away in the chase.

SCARED SULTAN FAINTS.
Kurds' Way of Presenting a Petition Too
Much for Mehmet's Nerves.

CONSTANTINOPLE, May 19.—The Sultan was badly scared to-day while driving to the Selamlık. Fifteen Kurds rushed out of the crowd shouting wildly, while one of them made a dash for the royal carriage.

The Sultan arose in alarm and fell back fainting. The commander of the escort spurred his horse and cut off the approach of the advancing Kurds. The horse fell and the confusion was increased.

The Kurds were all arrested, but were released when it was learned that they were only presenting a petition.

BRITISH SAILORS' STRIKE
Proclaimed Next Week and Effective
Everywhere.

Secretary Matthew Tearle of the American branch of the Sailors and Firemen's Union of Great Britain reported last evening that he received a cable despatch yesterday morning from J. Havelock Wilson, M. P., president of that union, notifying Mr. Tearle that he will issue next week the order for the general strike which is to be called on all British vessels in every part of the world.

The strike order is to be sent by cable to all ports where there are ships bearing the English flag, and the men on the British vessels which are on the high seas will be notified when possible by wireless of the strike order. The crews of these vessels will be expected to strike at the completion of their respective trips for which articles have been signed.

A CARRIER POINTS A GUN.
The Police Take Him and Hand Him Over
to U. S. Inspectors, Who Give Him Back.

Supt. A. N. Crow of Station E of the General Post Office, at Thirty-second street and Sixth avenue, was sitting at his desk yesterday afternoon when a substitute letter carrier named Thomas Carr entered, drew a revolver and leveled it at his head. Crow shouted to one of his subordinates to get a policeman. It was discovered afterward that the weapon which Carr kept on flourishing was not loaded.

Carr was taken to the Jefferson Market court, where Magistrate Cornell turned him over to Post Office Inspectors Jacobs and James. The inspectors took the carrier to the Federal Building, where they said it was learned that there was no Federal statute to cover the case because a post office station is not United States territory. Accordingly the prisoner was returned to the police, charged with carrying a concealed weapon.

KING GEORGE'S FIRST WIN.

Pintadeau Carries Royal Colors in Fitz-
william Stakes.

Special Cable Despatch to THE SUN.
LONDON, May 19.—King George's Pintadeau won the race for the Fitzwilliam stakes of 150 sovereigns at Doncaster to-day. This was the King's first victory on the racetrack.

He started the same colt in the Norfolk two-year-old stakes on May 8, but the horse, which was heavily backed, was hopelessly beaten. The King was present on that occasion for the first time since his accession to the throne and his subjects were much disappointed when his entry failed to land the stakes.

There were eleven starters in to-day's race. Count Luttwow's Svetee ran second and Leopold de Rothschild's Eldersdick finished third.

HATPIN MAY COST HIM AN EYE.

Philadelphia Physician Jabbed While
Passing Woman in Train.

PHILADELPHIA, May 19.—The condition of Dr. H. L. H. Dick, a resident physician at the Philadelphia Lying-in Charity Hospital, who was operated on this morning for an abscess of the left eye, resulting from a hatpin jab, is still serious, and he may lose the injured eye.

The accident occurred on the evening of May 9, as Dr. Dick was leaving a Market street elevated train at Fortieth street. As he passed a woman the point of an unusually long hatpin struck him in the eye. The pain was slight at first and he paid no attention to it.

TO TAX MRS. EDDY'S ESTATE.

State of Massachusetts Seeks to Show
She Was a Resident of That State.

BOSTON, May 19.—The State of Massachusetts entered the Eddy will case to-day when Attorney-General Swift filed his appearance in support of a claim that Mrs. Mary Baker G. Eddy was a resident of Massachusetts and not of New Hampshire at the time of her death.

The State has an interest because of the inheritance tax on the property left by Mrs. Eddy. Massachusetts is already entitled to the tax on about \$200,000 real estate, but if the Supreme Court should say that Mrs. Eddy was domiciled in Massachusetts it would largely increase the property on which the inheritance tax could be levied.

MADDOO'S ARM WAS BROKEN.

Tunnel Bolder More Seriously Hurt Than
at First Reported.

NEW BRUNSWICK, N. J., May 19.—William G. Maddoo, builder of the Hudson tunnels, and Mrs. J. Borden Harriman, who were injured when Mr. Maddoo's automobile overturned near Matawan yesterday afternoon, are still at St. Peter's Hospital here. Dr. Howard C. Voorhees, who is attending the patients, said this afternoon that Mr. Maddoo would be at the hospital until Monday and that Mrs. Harriman may also be forced to remain until then, although if she continues to improve she may be removed sooner.

It was at first reported that Mr. Maddoo's injuries were confined to two broken ribs and several bad bruises, but a further examination showed that his right arm was broken and that three ribs instead of two were fractured. Mrs. Harriman had her back strained and was badly shaken up generally.

MAY ELECTRIFY ST. PAUL ROAD.

Experiment to Be Tried on 120 Mile Ex-
tension to Be Built.

GREAT FALLS, Minn., May 19.—A mortgage for \$5,000,000 given by the Great Falls Townsite and Power Company to the Bankers Trust Company of New York, trustee, was filed here to-day. The mortgage covers all the property of the company.

Of the loan \$4,000,000 will be used to cover bonds issued for the development of the Rainbow Falls power site, now in operation, and \$4,000,000 for the construction of a power plant at Great Falls. The remaining \$7,000,000 will be used to electrify 120 miles of the St. Paul road to be built from Lewiston to Great Falls.

If the Lewiston-Great Falls line is operated successfully the entire St. Paul system will be operated by electric power, it is said.

WALSH EXPECTS PAROLE TO-DAY.

Banker's Son in Leavenworth to Take His
Father Home to Chicago.

LEAVENWORTH, Kan., May 19.—John R. Walsh, the Chicago banker, expects to be paroled from the Federal penitentiary here to-morrow by order of President Taft.

R. W. Walsh, the convict's son, arrived yesterday morning and was in consultation with his father for an hour, after which he went to the home of a friend. He expects to accompany his parent to Chicago.

Warden McClaughery, while admitting that he knows something of the President's intention to parole Walsh, says that he is not aware that the papers will arrive to-morrow.

MISS GAYNOR AND

W. S. WEBB, JR., ELOPE

Daughter of the Mayor and
a Grandson of W. H.
Vanderbilt.

HER SISTER ELOPED TOO
Young Couple Go to Wilmington,
Where the Ceremony Is
Performed.

Miss Gertrude Emily Gaynor, eldest daughter of Mayor Gaynor, was married in Wilmington, Del., yesterday to William Seward Webb, Jr., a son of Dr. and Mrs. William Seward Webb of 630 Fifth avenue and a grandson of William H. Vanderbilt. The young couple arranged the wedding hastily. The Mayor did not know of it until he was informed by the bride over the telephone last night. Miss Gaynor, who is 22, and young Mr. Webb ran down to Wilmington, where they were married in church and came back to town last night.

Miss Gaynor and Mr. Webb reached Wilmington early yesterday afternoon from New York and were married in the First Presbyterian Church by the pastor, the Rev. J. R. Stonecipher. They were accompanied by Harry K. Vintur and his wife, a sister of the bride. The Vinturs were witnesses at the marriage.

Mr. Stonecipher refused last night to give out any details of the wedding. He said that he was "forced to keep it quiet for certain considerations." The Magistrate who issued the marriage license also declined to say anything about his part in the match.

When Harry K. Vintur and Edith Gaynor eloped to Wilmington on June 2, Vintur hunted up his old friend Attorney-General Andrew C. Gray, son of Federal Judge George Gray. The Attorney-General sent for the Rev. Dr. Wolfe and the marriage was performed in Gray's office.

To-day, however, things were different. The Vinturs had hoped that the Delaware Attorney-General could again aid them, but Mr. Gray was in New York. Nevertheless the marriage was performed.

Gertrude Gaynor is the third of the Mayor's children to elope. Rufus W. Gaynor ran away with Maria Giffi, the daughter of a barber of New London, Conn., on December 10, 1908. They were married in Chicago. She gave her name then as May Queen. Rufus discovered later that she had one husband living and a year afterward the marriage was annulled.

A little less than a year ago Edith Augusta Gaynor, second daughter of the Mayor, was married in Wilmington to Mr. Vintur. This too was a runaway match. The Mayor knew that the couple were engaged, but he was not told in advance about the ceremony.

In November, 1909, announcement was made of the engagement of Miss Gertrude Gaynor to Alexander Stewart Wetherill, a broker who had a summer home near the Gaynor place at St. James, L. I. They had been friends from childhood and both families were pleased. There was much surprise therefore when it was announced in March of last year that the engagement had been broken off.

A member of the Webb family said last night that Miss Gaynor and Webb had been close friends for about a year and that they were devoted to one another. The parents of the young folks offered no spoken objections to their intimacy, but when Webb told his father that he was going to get married Dr. Webb objected on the ground that his son wasn't old enough. He advised him to wait until he was 25 at least. He is now 24.

William Seward Webb, Jr., waited until yesterday. He and Miss Gaynor arranged for the trip to Wilmington and told a few friends in the family about the elopement. So yesterday morning they went away. They were married and came back last night.

The bride and bridegroom went at once to the home of Webb's sister, Mrs. Ralph Pulitzer, at 7 East Seventy-third street. Dr. Webb wasn't there to give his blessing to the couple. He has been out West for a while, but he's coming back now and will be in New York within a day or so.

The Mayor learned of the marriage from the bride. She called St. James on the telephone late in the evening and informed her father of what had happened, which was the first the Mayor knew of the elopement. How Mr. Gaynor received the news was not given out.

Mayor Gaynor is the father of ten children. Besides Rufus, Gertrude and Mrs. Vintur there are Emily, Augusta, Helen, Marion and Ruth and Norman and Joseph. Before her marriage to Vintur Miss Edith Gaynor had never been formally presented to society and didn't go out much until her father became Mayor. She was popular among the young men she met, however, so there wasn't much surprise when rumors of her engagement to Vintur became current. Mrs. Halstead Swan of Brooklyn chaperoned them on many parties and she accompanied them to Wilmington when they were married. Harry K. Vintur is a Harvard man of the class of '01. He is manager of the brokerage firm of Thomas L. Mason & Co. of 71 Broadway. He belongs to Racine, Tenn., Harvard, Turf and Field, Meadow Brook Hunt and the Coney Island Jockey clubs. When Richard Cantfield's gambling house was raided in 1906 Vintur was named as one of the young men who had played there.

The elopement of Rufus Gaynor with Mrs. Maria Giffi attracted a great deal of attention. The couple lived together until Rufus learned that his wife had another husband, whose name was Sal-

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A SECOND ORdeal—Regular Committee
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